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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,433	06/29/2001	Ramesh Pendakur	42390P11604	8953

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EXAMINER

BAKER, STEPHEN M

ART UNIT	PAPER NUMBER
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2112

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/895,433	Applicant(s) PENDAKUR ET AL.	
	Examiner Stephen M. Baker	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-74, 79-84 and 100-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 81, 82, 84 and 100-102 is/are allowed.
- 6) ☒ Claim(s) 68, 71, 72, 74, 79 and 80 is/are rejected.
- 7) ☒ Claim(s) 69, 70, 73 and 83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 72 and 83 are objected to because of the following informalities:

In claims 72 and 83: "over a lower bandwidth channel than a channel" is awkwardly worded and apparently should be "over a channel with a lower bandwidth than a channel."

Appropriate correction is required.

Allowable Subject Matter

2. Claims 80-84 and 100-102 are allowed.
3. Claims 69, 70 and 73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 68, 72 and 79 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,085,253 to Blackwell *et al* (hereafter "Blackwell").

Blackwell discloses arrangements for transmitting data such as video clips via satellite to set-top box receivers in a cable network. A manifest is used by a receiver to

determine if any content is missing, so that a request for retransmission of the missing content can be made. The request is sent via a telephone line. A request for retransmission will be generated in Blackwell's system if any item listed in the manifest is not provided by any of the data received, hence Blackwell's arrangements include "determining that a content portion is missing from the received digital television data by determining that an identifier in a manifest does not correspond to an identifier of any of a plurality of received content portions of the received television data."

Regarding claim 71, video clips transmitted by Blackwell's arrangements presumably serve as "at least a portion of a movie."

Claim Rejections - 35 USC § 103

6. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell.

Although Blackwell's arrangements are described as useful for transmitting video clips and graphic advertisements, Blackwell does not specifically mention transmitting "at least a portion of a movie." Official Notice is taken that providing movie clips in ads was conventional at the time the invention was made. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to apply Blackwell's satellite TV transmission arrangements to movie clips. Such an application would have been obvious because providing movie clips in ads was already conventional.

7. Claims 74 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell in view of U.S. Patent No 5,594,490 to Dawson.

Blackwell retransmits on a forward satellite channel that can be considered "constantly running," but does not specify retransmitting on a specific different link that is "constantly running low bandwidth channel." Dawson discloses advantageously retransmitting selectively by either satellite or a land-line providing a "constantly running low bandwidth channel." It would have been obvious to a person having ordinary skill in the art to modify the system disclosed by Blackwell to allow selective retransmission via a land-line. Such a modification would have been obvious because Dawson discloses that retransmitting via land-line can be advantageous in some circumstances.

Response to Arguments

8. Applicant's arguments filed 08 March 2007 have been fully considered but they are deemed moot in view of the new grounds of rejection.

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (571) 272-3814. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen M. Baker
Primary Examiner
Art Unit 2112

smb